

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6715 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

D K BHANUSHALI

Versus

STATE OF GUJARAT

Appearance:

MR DA BAMBHANIA for Petitioner
MR PK SHUKLA, AGP FOR THE RESPONDENTS.

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 12/01/2001

ORAL JUDGEMENT

The short question which has come up for consideration and adjudication in this petition under Article 226 of the Constitution of India is, as to whether the order dated 26.12.88 passed by the respondent refusing promotion to the cadre of Gujarat Accounts service is in

any way vulnerable or not?

The learned advocates appearing for the parties are heard. The entire record is, dispassionately, examined. The impugned order dated 26.12.88, clearly, indicates that the petitioner is not entitled to promotion. It is further found from para 6 of the affidavit in reply that the petitioner had not cleared the departmental examination for the purpose of promotion to the cadre of Accounts Service. Apart from the fact as to whether the exercise of option was made or not, the admitted fact is that the petitioner had not passed the requisite departmental examination for claiming promotion in the cadre of Gujarat Accounts services. Therefore, this aspect itself goes to the root of the matter and the petition is required to be rejected on that ground only. Hence, this Court is left with no alternative but to raise its hands in helplessness and pass order for rejection of the petition. Accordingly, the petition is rejected. Rule discharged with no order as to costs.

(J.N.Bhatt, J.)

(vjn)